*

WARSHAW LAW FIRM, LLC

266 King George Road, Suite I Warren, New Jersey 07059 Phone: (973) 433-2121 Fax: (973) 439-1047 jwarshaw@warshawlawfirm.com

clientservices@warshawlawfirm.com Licensed in New York ~
Licensed in

Licensed in New Jersey *

Of Counsel:

Alycia Swift, Esq. "~

Julie M.W. Warshaw, Esq. *~^

David B. Warshaw, Esq. *~^ William Jeffery, Esq. *

November 14, 2018

Via Facsimile at (973) 648-6124 Honorable Thomas Betancourt, A.L.J. Office of Administrative Law State of New Jersey 33 Washington Street, 7th Floor Newark, New Jersey 07102

Re: F.H. and M.H. o/b/o J.H. v. West Morris Regional High School District Board of Education
OAL Docket No.: EDS 10706-2017, Agency Ref. No.: 2017 26311

Dear Judge Betancourt:

This office represents the Petitioners in the above referenced matter. This morning at 7:24 am I received the attached email from counsel informing me that there was no oral argument for today. There is also information about post hearing briefs being due to the Court on December 17, 2018 and if we wanted to have oral argument, the Court will schedule it.

I raise a concern with Your Honor that this information does not appear to have been provided to me on a timely basis, as it seems unlikely that counsel would have first learned of this just this morning. I would like to know when counsel was advised by this Court as to the fact that oral argument was adjourned. Further, this is not the first time that counsel has not informed me prior to her contacting this Court, as I would like to participate in those communications. I am respectfully requesting that from this date forward, that no conversations take place with counsel without both counsel on the phone or that information from the Court be conveyed to both counsel, simultaneously, in writing.

Lastly, I will speak to my client about oral argument and advise the Court as to whether or not they will request it. Please advise counsel as to the maximum number of pages for the post submission briefs and please confirm that the briefs are due on December 17, 2018, as I have not received any notice from the Court.

Thank you for your time and consideration.

Respectfully Submitted,

By:

Julie Warshaw, Esq.

JW/ Enclosure - 1 page

cc: Jodi Howlett, Esq. (Via Email) F.H. and M.H. (Via Email) From: Jodi Howlett jhowlett@cgajlaw.com

Subject: J.H. v. West Morris

Date: November 14, 2018 at 7:24 AM

To: J Warshaw jwarshaw@warshawlawfirm.com



Good morning,

The Court advised that there is no oral argument today and a control date for the post-hearing briefs is scheduled for Decamber 17, 2018 at 1:00 pm. Judge Betancourt will not be scheduling a new oral argument date unless it is specifically requested by counsel. I will likely not be requesting argument.

A notice from the Court should be forthcoming.

Regards,

Jodi S. Howlett, Esq. Cleary Glacobbe Alfieri Jacobs, LLC 955 Route 34, Suite 200 Matawan, New Jersey 07728 (732) 583-7474 phone Jhowlett@cgajlaw.com

CLEARY GIACOBBE ALFIERI JACOBS LLC

JODI S. HOWLETT, Partner jhowlett@cgajlaw.com

Reply to: Matawari Office

November 9, 2018

Via E-Mail (Diana.Batista@oal.nj.gov) and NJLS

Honorable Thomas R. Betancourt, ALJ Office of Administrative Law State of New Jersey 33 Washington Street Newark, New Jersey 07102

Re: F.H. and M.H. o/b/o J.H. v. West Morris Regional High School District Board of Education

OAL Dkt. No.: EDS 10706-2017 Agency Ref. No.: 2017-26311

Dear Judge Betancourt:

As Your Honor is aware, this firm represents Respondent West Morris Regional High School District Board of Education ("District") in the above-referenced matter.

The Court has scheduled oral argument on the parties' post-hearing briefs for next Wednesday, November 14, 2018. The undersigned, however, has yet to receive the testimony transcripts from the four (4) hearing dates in this matter. Upon contacting the transcription company (CRT), I was informed that the data for at least one of the hearing dates had "not yet been received."

In consideration of the foregoing, Respondent respectfully requests that the oral argument be postponed until such time as the transcripts are completed and the parties are able to submit their respective post-hearing briefs.

The undersigned appreciates You Honor's attention to this matter.

Respectfully submitted,

Jodi S. Howlett

cc: Julie Warshaw, Esq., counsel for Petitioners (via e-mail)

coffee

Somerville Office: 50 Division Street, Suite 501, Somerville, NJ 08876 Tel 732 583-7474 Fax 201 644-7601

www.cgajlaw.com

Matawan Office: 955 State Route 34, Suite 200, Matawan, NJ 07747 Tel 732 583-7474 Fax 732 290-0753 Oakland Office: 169 Ramapo Valley Road, UL 105, Oakland, NJ 07436 Tel 973 845-6700 Fax 201 644-7601

*

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Licensed in New York ~
Licensed in Massachusetts *
Licensed in Pennsylvania *

Of Counsel: David B. Warshaw, Esq. *~^

Julie M.W. Warshaw, Esq. "~^

Caryn Fitzgerald, Esq. *~

October 12, 2018

Via Facsimile at (973) 648-6124 Honorable Thomas Betancourt, A.L.J. Office of Administrative Law State of New Jersey 33 Washington Street, 7th Floor Newark, New Jersey 07102

Re: F.H. and M.H. o/b/o J.H. v. West Morris Regional High School District Board of

Education

OAL Docket No.: EDS 10706-2017 Agency Ref. No.: 2017 26311

Dear Judge Betancourt:

This office represents the Petitioners in the above referenced matter. As Your Honor is aware, we ordered the transcripts in this case but have not yet received them. I have followed up with this request and today I received a call from Martha Arnold at the Department of Education and she indicated that there have been changes in their department and she is now the person handling the ordering of transcripts. She will look into why these were not completed and she assured me that she would get them to us as soon as possible. Counsel for Respondent can contact Ms. Arnold directly to order their copy. Upon receipt of said transcripts, we will notify the Court.

Thank you for your time and attention to this matter.

Respectfully Submitted,

Julie Warshaw, Esq.

JW/

cc: Jodi Howlett, Esq. (Via Email)

F.H. and M.H. (Via Email)

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Licensed In New York ~
Licensed in Massachusetts *
Licensed in Pennsylvania

Julie M.W. Warshaw, Esq. *~^

Of Counsel: David B. Warshaw, Esq. *~^ William Jeffery, Esq. *

October 8, 2018

Via Facsimile at (973) 648-6124 Honorable Thomas Betancourt, A.L.J. Office of Administrative Law State of New Jersey 33 Washington Street, 7th Floor Newark, New Jersey 07102

Re: F.H. and M.H. o/b/o J.H. v. West Morris Regional High School District Board of

Education

OAL Docket No.: EDS 10706-2017 Agency Ref. No.: 2017 26311

Dear Judge Betancourt:

This office represents the Petitioners in the above referenced matter. As this Court indicated, our summations are due on October 11, 2018. It is my understanding that they are to be written summations. As Your Honor is aware, I ordered the transcripts several times for this case and to date, I have only received one transcript from the April 23, 2018 hearing date. I believe that the transcripts are needed to draft the summations. Therefore, due to the delay by the transcription company, I am requesting an adjournment of the October 11, 2018 date and instead, request that upon receipt of the transcripts, we will notify the Court of such and then respectfully request 30 days in which to submit the written summations. We would also like clarification as to whether or not Your Honor has a page limit to these summations or any other specific instructions for them.

Thank you for your time and consideration.

Respectfully Submitted,

Ivlie Warshaw, Esq.

JW/cc:

Jodi Howlett, Esq. (Via Email) F.H. and M.H. (Via Email)

From:

Batista, Diana

Sent:

Wednesday, March 28, 2018 11:49 AM

To:

'J Warshaw' Howlett Jodi

Subject:

OAL Dkt NO. EDS 10706-2017 F.H. and M.H. o/b/o J.H. v. West Morris Regional High

School Board of Education

Importance:

High

I am writing to confirm the telephone status conference scheduled for tomorrow March 29, 2018 at 1:30 p.m. The Court will initiate the call.

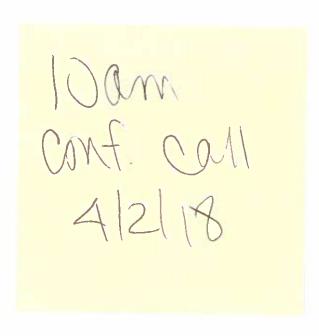
Regards,

DIANA BATISTA

Judicial Assistant I to:
Honorable Thomas R. Betancourt 973-648-6084
Honorable John P. Scollo 973-648-6051
Honorable Carol I. Cohen, t/a 973-648-6036
Honorable Ken R. Springer, t/a 973-648-6038
Honorable Mumtaz Bari-Brown, t/a 973-648-6069



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-	Case 2:19-cv-14465-SDW-LDW	Document 13-22 Filed 11/26/19	Page 8 of 44 PageID: 1477
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Ш	MESSAGE	TELEPHONED.	
7	re. S. H. v West	TOTUNNED YOUR CALL	
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U		WILL CALLAGAIN	
I		CAME TO SEE YOU	
2	SIGNED Mana	WANTS TO SEE YOU	

WARSHAW LAW FIRM, LLC 266 King George Road, Suite C2

Julie M.W. Warshaw, Esq. *~^ Caryn Fitzgerald, Esq. *~

Of Counsel: David B. Warshaw, Enq. *-- *- Warren, New Jersey 07059
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Licensed in New York ~
Licensed in Massachusetts ^
Licensed in Pennsylvania `

Sitelat Cont

March 27, 2018

Via Facsimile (973) 648-6124 Honorable Thomas Betancourt, A.L.J. 33 Washington Street, 7th Floor Newark, New Jersey 07102

Re: F.H. and M.H. o/b/o J.H. v. West Morris Regional High School Board of Education

OAL Docket No.: EDS 10706-2017 N

Agency Ref. No.: 2017-26311

Dear Judge Betancourt:

This office represents the Petitioners in the above captioned matter. As Your Honor is aware, we have been attempting to get additional dates for this due process hearing. Since I have not heard from my adversary in this regard, we are seeking a telephone conference with the Court. This due process hearing is currently scheduled for April 6 and April 9, 2018. I have already scheduled two experts to testify on the morning of April 9, 2018. Since they are taking time away from their practices, I am respectfully requesting that this be a date certain for them to testify. Further, I am requesting that upon receipt of other available dates in June for our experts to testify, that this Court attempt to hear their testimony on those dates.

Additionally, my clients signed an Authorization form for the release of their daughter's student records on November 3, 2017. Despite on February 26, 2018 Respondent's counsel indicating to this Court that she would provide a copy of J.H.'s student file and Respondent's discovery responses, to date, we have not received them. Petitioners' counsel sent an email to Respondent's counsel on March 13, 2018 again requesting the student file and discovery responses and documents and again, there has been no response. This puts Petitioners at a disadvantage and prejudices Petitioners' case, as our trial binders are due to this Court this week pursuant to the 5- day rule. Petitioners have waited months to receive this information and documents and it is not appropriate for Respondent to possibly produce them under the 5-day rule as that only covers the evidence they want to present at the hearing and will likely not include the rest of the Petitioners' student file and other requested documents. Petitioners have at all times acted in good faith and Respondents have had plenty of time to produce this information and have failed to do so. Therefore, Petitioners respectfully request in lieu of a formal motion, that

Respondent's Answer be stricken and that they be denied the right to present any evidence in this case due to these failures.

Thank you for your time and consideration.

Bespectfully Submitted

Julie/Warshaw, Esq.

JW/

cc: Jodi Howlett, Esq. (Via Email) F.H. and M.H. (Via Email) WARSHAW LAW FIRM, LLC

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Licensed in New York ~
Licensed in Massachusetts ^

Licensed in Pennsylvania

March 14, 2018

Via Facsimile at (973) 648-6124 Honorable Thomas Betancourt, A.L.J. Office of Administrative Law State of New Jersey 33 Washington Street, 7th Floor Newark, New Jersey 07102

Re: F.H. and M.H. o/b/o J.H. v. West Morris Regional High School District Board of

Education

Julie M.W. Warshaw, Esq. *~^

David B. Warshaw, Esq. *~^

Caryn Fitzgerald, Esq. *~

Of Counsel:

OAL Docket No.: EDS 10706-2017 Agency Ref. No.: 2017 26311

Dear Judge Betancourt:

This office represents the Petitioners in the above referenced matter. As discussed at the settlement conference in this matter on February 26, 2018, this matter is scheduled for a hearing on April 6 and April 9. I need to start scheduling firm dates for experts to testify. Therefore, I am requesting that this Court schedule two more hearing dates so that I can provide them as alternate days to the experts. For now, I will try to schedule experts and witnesses to testify on April 9 but if the district needs more time for their case I will need other dates and to have them be firm dates so that the experts can try to work this into their schedule. In addition, please advise if this Court will hear expert testimony through Skype or video conferencing if needed.

Thank you for your time and consideration.

Respectfully Submitted,

Bv:

Julie Warshaw

cc: Jodi Howlett, Esq. (Via email only) F.H. and M.H. (Via email only)

From:

Batista, Diana

Sent:

Wednesday, March 14, 2018 1:08 PM

To:

'J Warshaw' Howlett Jodi

Cc: Subject:

RE: FH and MH o/b/o JH v. West Morris BOE

Importance:

High

Judge Betancourt is in receipt of your letter dated March 14, 2018 requesting alternate dates for hearing. Please be advised that there is and will be NO ALTERNATE dates for hearing in this case. Thank you.

From: J Warshaw [mailto:jwarshaw@warshawlawfirm.com]

Sent: Tuesday, March 13, 2018 5:13 PM

To: Batista, Diana < Diana. Batista@oal.nj.gov>
Cc: Howlett Jodi < jhowlett@cgajlaw.com>

Subject: Re: FH and MH o/b/o JH v. West Morris BOE

Diana, Could you please send us more trial dates as I need to schedule experts. I am currently trying to schedule them for April 9, our second trial date. I do not know how many days the district will need to put their case on. Please advise. Thank you, Julie Warshaw

Julie Warshaw, Esq.
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From:

J Warshaw <jwarshaw@warshawlawfirm.com>

Sent:

Tuesday, March 13, 2018 5:13 PM

To: Cc: Batista, Diana Howlett Jodi

Subject:

Re: FH and MH o/b/o JH v. West Morris BOE

Diana, Could you please send us more trial dates as I need to schedule experts. I am currently trying to schedule them for April 9, our second trial date. I do not know how many days the district will need to put their case on. Please advise. Thank you, Julie Warshaw

Julie Warshaw, Esq. WARSHAW LAW FIRM, LLC 266 King George Road, Suite C2 Warren, NJ 07059 (973) 433-2121, Fax (973) 439-1047 iwarshaw@warshawlawfirm.com www.warshawlawfirm.com

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Licensed in New Jersey * Licensed in New York ~ Licensed in Massachusetts A Licensed in Pennsylvania

March 5, 2018

Via Facsimile at (973) 648-2358 Honorable Thomas Betancourt, A.L.J. Office of Administrative Law State of New Jersey 33 Washington Street, 7th Floor Newark, New Jersey 07102

Re: F.H. and M.H. o/b/o J.H. v. West Morris Regional High School District Board of

Education

Julie M.W. Warshaw, Esq. *~ ^

Caryn Fitzgerald, Esq. *-

David B. Warshaw, Esq. *-- ^

Of Counsel

OAL Docket No.: EDS 10706-2017 Agency Ref. No.: 2017 26311

Dear Judge Betancourt:

This office represents the Petitioners in the above referenced matter. As discussed at the settlement conference in this matter on February 26, 2018, this matter is scheduled for a hearing on April 6 and April 9. I need to start scheduling firm dates for experts to testify. Therefore, I am requesting that this Court schedule two more hearing dates so that I can provide them as alternate days to the experts. For now, I will try to schedule experts and witnesses to testify on April 9 but if the district needs more time for their case I will need other dates and to have them be firm dates so that the experts can try to work this into their schedule. In addition, please advise if this Court will hear expert testimony through Skype or video conferencing if needed.

Thank you for your time and consideration.

Respectfully Submitted.

CC: Jodi Howlett, Esq. (Via email only) F.H. and M.H. (Via email only)

Hearing Dates: 4/9/18

Provided Avail 7/2, 7/3, 7/25, 8/6, 8/20
8/24 8/28, 2/29

From:

Batista, Diana

Sent: To: Monday, March 05, 2018 10:19 AM 'J Warshaw'; 'jhowlette@cgajlaw.com'

Subject:

Request for additional hearing dates

Importance:

High

EDS 10706-17 F.H. and M.H. obo J.H. v. West Morris Regional H.S. BOE

The following are dates available on Judge Betancourt's calendar:

7/2, 7/3, 7/25, 8/6, 8/20, 8/24, 8/28, 8/29

At your earliest convenience please advise what dates work for you and your experts. Thank you.

DIANA BATISTA

Judicial Assistant I to: Honorable Thomas R. Betancourt 973-648-6084 Honorable John P. Scollo 973-648-6051 Honorable Carol I. Cohen, t/a 973-648-6036 Honorable Ken R. Springer, t/a 973-648-6038

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This notification is just a precaution, we are on the OIT email tenant so email address can be selected accidently if the user names are similar.

From: Microsoft Outlook

To: J Warshaw; jhowlette@cgajlaw.com Sent: Monday, March 05, 2018 10:19 AM

Subject: Relayed: Request for additional hearing dates

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

J Warshaw (jwarshaw@warshawlawfirm.com)

jhowlette@cgajlaw.com (jhowlette@cgajlaw.com)

Subject: Request for additional hearing dates

From: J Warshaw < jwarshaw@warshawlawfirm.com>

Sent: Tuesday, April 10, 2018 10:25 PM

To: Batista, Diana
Cc: Jodi Howlett

Subject: Re: FH and MF v. West Morris BOE

Diana, Please be advised that I just received today correspondence from a District Court Judge indicating that on April 23, 2018 she scheduled a case management conference via telephone at 10:30 am. We are scheduled to be before Judge Betancourt that day. Is there a way that we can take a break in the FH and MH v. West Morris BOE hearing at that time for me to be on that call? There is no one else in my office who can handle that call and the judge will not change the time or date. Please advise. Thank you! Julie Warshaw

Julie Warshaw, Esq.
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From:

Betancourt, Thomas

Sent:

Thursday, April 12, 2018 8:43 AM

To:

Batista, Diana

Subject:

FW: IEP Recordings F.H. and M.H. v. West Morris -FURTHER OPPOSITION TO

RESPONDENT'S MOTION IN LIMINE

Attachments:

iep_recording2b.mp3

I have four emails from Ms. Warshaw with recordings attached. How many recordings are there? Are they exhibits to her responsive pleading to the motion? If so, I will need actual disc or flash drive appropriately marked as my email cannot be an exhibit. Did she send it to Ms. Howlett? Obviously she intends me to listen to this. Thanks.

From: Batista, Diana

Sent: Thursday, April 05, 2018 10:01 AM

To: Betancourt, Thomas <thomas.betancourt@oal.nj.gov>

Subject: FW: IEP Recordings F.H. and M.H. y. West Mortis -FURTHER OPPOSITION TO RESPONDENT'S MOTION IN LIMINE

From: J Warshaw [mailto:jwarshaw@warshawlawfirm.com]

Sent: Wednesday, April 04, 2018 8:07 PM

To: Batista, Diana < Diana.Batista@oal.nj.gov

Cc: Jodi Howlett < jhowlett@cgajlaw.com>

Subject: Fwd: IEP Recordings F.H. and M.H. v. West Morris -FURTHER OPPOSITION TO RESPONDENT'S MOTION IN

LIMINE

Diana, I furtherance of our opposition to Respondent's motion in limine, I am attaching through two emails a recording of the May 16, 2017 IEP meeting wherein I attended. This recordings show that Dr. David Leigh was the one who brought up the Purnell School to my clients and said it was a good option to consider for J.H. This further supports our position that even though the child study team made their predetermined unilateral decision to classify J.H. as emotionally disturbed, this decision cannot be looked at in a bubble because even at the second IEP meeting where counsel was present, the director of special education told my clients to go look at the Purnell School because they had a peer group there and it was different than the other schools they were considering. This shows that despite counsels ridiculous arguments, her client at that time, as that was his last day as the director before he retired, was willing to look at the Purnell School for J.H. My clients have reserved their right to present additional evidence if needed at the due process hearing. We intend to present these recordings as well as Exhibit 51. I am sending the Court two separate emails with the first and second part of the meeting recorded. Thank you, Julie Warshaw

Julie Warshaw, Esq.
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Case 2:19-cv-14465-SDW-LDW Document 13-22 Filed 11/26/19 Page 19 of 44 PageID: 1488

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From: Meghan Kennedy <mkennedy@cgajlaw.com>

Sent: Monday, February 12, 2018 5:08 PM

To: Batista, Diana

Cc: Jodi Howlett; Julie Warshaw

Subject: J.H. v. West Morris Regional High School.

Attachments: Respondent's Cross Petition For Due Process - J.H. v. West Morris Reg..pdf

Dear Judge Betancourt:

On behalf of Ms. Howlett, attached please find Respondent's Cross-Petition for Due Process as it relates to the above matter.

Please do not hesitate to contact Ms. Howlett should you have any questions.

Sincerely,
Meghan Kennedy
Paralegal
Cleary I Giacobbe I Alfieri I Jacobs, LLC
www.cgajlaw.com I mkennedy@cgajlaw.com
955 State Route 34
Suite 200
Matawan, NJ 07747

Tel: (732) 583-7474 Fax: (732) 566-7687

PLEASE NOTE THAT OUR MATAWAN OFFICE HAS MOVED. OUR NEW LOCATION IS 955 STATE ROUTE 34, SUITE 200, MATAWAN, NEW JERSEY 07747. ALL OTHER CONTACT INFORMATION WILL REMAIN THE SAME.

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PHONE CALL	Case 2:19-cv-14465-SDW-LDW/Document 13:22 FOR Science of BATE 2:21/8 TIME 23.3 AM M. Julie Ward how OF PHONE 901/6/2-846/CPT 1. WILL CALL AGAIN Con - Should be Conf. Signed Marie 2:10 Company Wants to see you Signed Marie 2:10 Company Wants to see you Wants to see you	ed 11/26/19	Page 21 of 44 PageII	D: 1490
PHONE CALL	FOR DELEVATIVE DATE 2/18 TIME 34 AM MAN HOW LOT DOT TO THE PHONE 232-583-7 FGF 4. MESSAGE TELEPHONED RETURNED YOUR CALL PLEASE CALL WILL CALL AGAIN CAME TO SEE YOU SIGNED MANTS TO SEE YOU WANTS TO SEE YOU			

Julie M.W. Warshaw, Esq. *~^ Caryn Fitzgerald, Esq. *~

Of Counsel: David B. Warshaw, Esq. 4-4 WARSHAW LAW FIRM, LLC

266 King George Road, Suite C2 Warren, New Jersey 07059 Phone: (973) 433-2121 Fax: (973) 439-1047

iwarshaw@w.rshawlawfirm.com clientservices@warshawlawfirm.com www.warshawlawfirm.com

Licensed in New Jersey *
Licensed in New York ~
Licensed in Massachusetts *
Licensed in Pennsylvania *

February 21, 2018

Via Facsimile (973) 648-6124 Honorable Thomas Betancourt, A.L.J. 33 Washington Street, 7th Floor Newark, New Jersey 07102

Re: F.H. and M.H. o/b/o J.H. v. West Morris Regional High School Board of Education

OAL Docket No.: EDS 10706-2017 N Agency Ref. No.: 2017-26311

Dear Judge Betancourt:

This office represents the Petitioners in the above captioned matter. I am in receipt of an emailed letter to Your Honor by Ms. Howlett dated today regarding missing discovery. I have double checked my file and all of my emails and to date, Ms. Howlett never served my clients or me with any discovery requests. She did request that my clients sign authorizations so that the district could obtain information from the Purnell School and those authorizations were promptly signed. If Ms. Howlett is having difficulty obtaining information from the Purnell School it is likely because, as she is fully aware, they have a policy that they do not release student information in matter such as these. However, at no time did Ms. Howlett request such tuition payment information from me or from my clients. If she had, I would gladly have provided it to her. In fact, as a good faith gesture, I have attached the documents to this letter as well as my client's grades and a letter from the Purnell School.

To clarify, the district has NOT provided any documents to Petitioners or to me. I have made a request for documents and to date, none have been provided.

As for narrowing the scope of the hearing, my clients object to this tactic. Although we believe that the independent evaluation speaks volumes about the actual disabilities of this student and the lack of any finding of a diagnosis of "emotionally disturbed," Petitioners believe that the district is merely attempting to circumvent pertinent issues in the case and they respectfully request that they be heard on all issues set forth in their Amended Request for Due Process.

Lastly, Ms. Howlett and I just spoke and we are in agreement that we believe it would be productive to have the hearing date of Monday, February 26, 2018 as a

settlement conference instead of starting the hearing that day and we jointly and respectfully request same. If we are unable to resolve the matter on Monday, then we can bring our trial binders to Court and exchange them on that day.

Thank you for your time and attention to this matter.

Respectfully Submitted,

Jule Warshau

JW/

Enclosures: 5 pages

cc: Jodi Howlett, Esq. (Via Email) F.H. and M.H. (Via Email)



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Confirmation

Thank you for choosing TMS. Please print this page for your records.

Payment Information:

Date: 10/12/2017

Payer Name: 10/12/2017

TMS Account Number: 257924038

Amount: 57,482.99

Total Amount \$7,482.99

Routing Number: Account Number:

Your transaction has been processed and posted to your account. This payment could appear on your bank statement as follows:

Purnell School - TMSMPP - \$7,482.99

You will pay a fee for all returned payments along with any fees that your school may assess.

You will receive an email notification on how to view and acknowledge your TIL for this payment plan.



Call 800-722-4867 Outside U.S. and Canada Call 401-921-3999 Need Help? Call Us: 8 AM - 10 PM M-F (ET) Help Center

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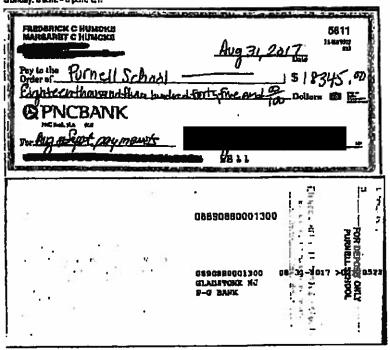
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PNC Online Banking

Dala 04/01/2017 Geseription Check 5811 Amount \$16,348.00 Acepun

This is an image of a check, substitute check, or deposit ticket. Refer to your posted transactions to verify the status of the item. For more information about image delivery citck here or to speak with a representative celt: 1-888-PNC-BANK (1-888-762-2288) Monday - Friday: 7 a.m. - 10 p.m. ET, Seturday & Sunday: 8 a.m. - 5 p.m. ET.



@ Copyrigm: 55 jt. The FHC Foundat Gentless Group, Inc. 48 Fights Reserved



October 15, 2017

To Whom It May Concern:

I am the Associate Head of School at Purnell School where the Market Bis carrying a full academic schedule, and her current grades are as follows:

English 94%
Algebra II 102%
Conceptual Physics 94%
Comparative Government 96%
Art History: Art and Mythology
Introduction to Photography 93%
I1º Grade Class Seminar 100%

In addition to performing very well academically, and is also a member of the Debate Club.

Very truly yours,

Anne Glass, Ed.M.

Associate Head of School



10-12-17

To Whom This May Concern:

Since the school year started, has been doing very well at Purnell. She has been keeping up with all of her classes and turning in all of her work on time. has been very organized and knows all of her assignments. Even when she was out sick for a few days. Seemed comfortable asking each teacher for help. She set up meetings with each one to go over missed work. She seems to be a great advocate for herself.

I have been meeting with weekly and she explains how she is enjoying coming to Purnell and is starting to feel as though she is good at school. She has been opening up and is willing to work on some of her social anxiety surrounding school. She appears to be really trying to find herself here and is enjoying doing so. I think Purnell has been a great fit for thus far.

Sincerely,

School Counselor
Director of Advising

PURNELLESCHOOL

October 9, 2017

To whom it may concern:

This letter is to verify that, for Long Valley, NJ, has been in attendance, receiving educational services, at Purnell School.

was in attendance 22 out of 25 days for September 2017- October 6 2017.

Please contact me if you need additional information or have any questions at 908-439-4086 or ngray@purnell.org

Sincerely

Neelle Gray
Enrollment Coordinator

5: POTTEREVILLE ROAD * POTTERSVILLE. NEW JERSEY 07978 908/498-2154 * Fax 908/498-2090 * E-Mail: INFO@PURNELL.ORG

From: Meghan Kennedy @cgajlaw.com>
Sent: Wednesday, February 21, 2018 11:10 AM

To: Batista, Diana

Cc: Jodi Howlett; Julie Warshaw

Subject: J.H. v. West Morris Regional High School

Attachments: Request for Telephone Conference - J.H. v. West Morris Reg. pdf

Dear Judge Betancourt:

On behalf of Ms. Howlett, please find a request for a telephone conference as it relates to the above matter. If you should have any questions, please do not hesitate to contact this office.

Sincerely,
Meghan Kennedy
Paralegal
Cleary I Giacobbe I Alfieri I Jacobs, LLC
www.cgajlaw.com I mkennedy@cgajlaw.com
955 State Route 34
Suite 200
Matawan, NJ 07747

Tel: (732) 583-7474 Fax: (732) 566-7687

PLEASE NOTE THAT OUR MATAWAN OFFICE HAS MOVED. OUR NEW LOCATION IS 955 STATE ROUTE 34, SUITE 200, MATAWAN, NEW JERSEY 07747. ALL OTHER CONTACT INFORMATION WILL REMAIN THE SAME.

This email and any attachments thereto are intended for the exclusive use of the addressee. The information contained herein may be privileged, confidential or otherwise exempt from disclosure by applicable laws, rules or regulations. If you have received this email in error and are not the intended recipient, you are hereby placed on notice that any use, distribution, copying or dissemination of this communication is strictly prohibited. If you have received this in error, please notify the sender immediately at (732) 583-7474 and delete this email and any attachments immediately. Thank you for your cooperation.

OK. Shedule Conf.

CLEARY GIACOBBE ALFIERI JACOBS LLC

JODI S. HOWLETT, Partner jhowlett@cgajlaw.com

Reply to: Matawan Office

February 21, 2018

Re:

Via E-Mail (Diana.Batista@oal.nj.gov) and NJLS Honorable Thomas R. Betancourt, ALJ

Office of Administrative Law
State of New Jersey
33 Washington Street
Newark, New Jersey 07102

F.H. and M.H. o/b/o J.H. v. West Morris Regional High School District Board of Education

OAL Dkt. No.: EDS 10706-2017 Agency Ref. No.: 2017-26311

REQUEST FOR TELEPHONE CONFERENCE

Dear Judge Betancourt:

As Your Honor is aware, this firm represents Respondent West Morris Regional High School District Board of Education ("District") in the above-referenced matter. On behalf of Respondent, the undersigned respectfully submits this correspondence as a request for a telephone conference to discuss discovery and the scope of the plenary hearing.

Despite repeated requests, the District has yet to receive any pupil records or other documentation related to Petitioners' unilateral placement of J.H. at Purnell School. Specifically, the undersigned has sent numerous requests to Purnell School for a complete and accurate copy of J.H.'s file. As this matter involves Petitioners' demand for tuition reimbursement, the District is entitled to no less than Petitioners' enrollment contract and proof of payment, as well as information concerning the program and services being provided to J.H. at Purnell School.

Additionally, in accordance with N.J.A.C. 1:6A-10.1, the parties are required to engage in the informal exchange of information in advance of the hearing. While the District has provided Petitioners with all relevant and requested records in its possession, Petitioners have failed to provide the District with a single document related to J.H.'s unilateral placement or their position that J.H. is entitled to a change in classification.

955 State Route 34 Suite 200 Matawan, NJ 07747 Tel 732 583-7474 Fax 732 290-0753

169 Ramapo Valley Road Upper Level 105 Oakland, NJ 07436 Tel 973 845-6700 Fax 201 644-7601 Further, on February 12, 2018, the District filed a cross-petition in this matter seeking, *inter alia*, an Order narrowing the scope of the plenary hearing to whether J.H. meets the eligibility criteria of "specific learning disability" under N.J.A.C. 6A:14-3.5(c)(12), as asserted by Petitioners. Clearly, Petitioners are revoking their consent to J.H.'s classification of "emotionally disturbed" and the IEP that was developed based upon this classification. Narrowing the scope of the hearing to the issue of eligibility would significantly shorten the duration and complexity of the hearing. Accordingly, in the interest of judicial economy and efficiency, the District respectfully requests that the nature of the hearing be limited to J.H.'s eligibility.

Based upon the foregoing, and due to the imminent hearing date scheduled for Monday, February 28, 2018, the undersigned submits this herein request for a telephone conference at the Court's earliest convenience.

Respectfully submitted,

Jodi S. Howlett

cc: Julie Warshaw, Esq., counsel for Petitioners (via e-mail)

CLEARY GIACOBBE ALFIERI JACOBS LLC

JODI S. HOWLETT, Partner jhowlett@cgailaw.com

Reply to: Matawan Office

February 21, 2018

Via E-Mail (Diana.Batista@oal.nj.gov) and NJLS

Honorable Thomas R. Betancourt, ALJ
Office of Administrative Law
State of New Jersey
33 Washington Street
Newark, New Jersey 07102

Re: F.H. and M.H. o/b/o J.H. v. West Morris Regional High School District Board of Education

OAL Dkt. No.: EDS 10706-2017 Agency Ref. No.: 2017-26311

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955 State Route 34 Suite 200 Matawan, NJ 07747 Tel 732 583-7474 Fax 732 290-0753 169 Ramapo Valley Road Upper Level 105 Oakland, NJ 07436 Tel 973 845-6700 Fax 201 644-7601 Further, on February 12, 2018, the District filed a cross-petition in this matter seeking, *inter alia*, an Order narrowing the scope of the plenary hearing to whether J.H. meets the eligibility criteria of "specific learning disability" under N.J.A.C. 6A:14-3.5(c)(12), as asserted by Petitioners. Clearly, Petitioners are revoking their consent to J.H.'s classification of "emotionally disturbed" and the IEP that was developed based upon this classification. Narrowing the scope of the hearing to the issue of eligibility would significantly shorten the duration and complexity of the hearing. Accordingly, in the interest of judicial economy and efficiency, the District respectfully requests that the nature of the hearing be limited to J.H.'s eligibility.

Based upon the foregoing, and due to the imminent hearing date scheduled for Monday, February 28, 2018, the undersigned submits this herein request for a telephone conference at the Court's earliest convenience.

Respectfully submitted,

Jodi S. Howlett

cc: Julie Warshaw, Esq., counsel for Petitioners (via e-mail)

WARSHAW LAW FIRM, LLC

266 King George Road, Suite C2 Warren, New Jersey 07059 Phone: (973) 433-2121 Fax: (973) 439-1047 jwarshaw@warshawlawfirm.com

clientservices@warshawlawfirm.com

www.warshawlawfirm.com

Of Counsel.

Caryn Fitzgerald, Esq. *~

Julie M.W. Warshaw, Esq. *~^

David B. Warshaw, Esq. *~^

Licensed in Now Jersey * Licensed in New York ~ Licensed in Massachusetts ^ Licensed in Pennsylvania

October 16, 2017

Via Facsimile at (973) 648-2358 Honorable Thomas Betancourt, A.L.I. Office of Administrative Law State of New Jersey 33 Washington Street, 7th Floor Newark, New Jersey 07102

Re: F.H. and M.H. o/b/o J.H. v. West Morris Regional High School District Board of

Education

OAL Docket No.: EDS 10706-2017 Agency Ref. No.: 2017 26311

Dear Judge Betancourt:

This office represents the Petitioners in the above referenced matter. As per our telephone conference with Your Honor on October 13, 2017, I am writing this letter to confirm that as per Your Honor's request, Petitioners will file a motion to amend their first due process action and voluntarily withdraw their second due process action if the motion is granted. In addition, Petitioners will sign the authorization forms for the district to obtain information about J.H.'s current placement, but they will be limited to information that the Purnell School is willing to release. Petitioners have already been obtaining some of the Information requested by the district. The Court will schedule another telephone conference after these are accomplished.

Thank you for your time and consideration.

Respectfully Submitted,

Warshaw, Esq.

JW/

F.H. and M.H. (Via Email) CC:

Jodi Howlett, Esq. (Via facsimile at 732-290-0753)

CLEARY GIACOBBE ALFIERI JACOBS LLC

OK

IODI S. HOWLETT, Partner

ihowlett@cgailaw.com

Reply to: Matawan Office

October 6, 2017

Via Facsimile (973) 648-2358 and NJLS

Honorable Thomas Betancourt, ALJ
Office of Administrative Law
State of New Jersey
33 Washington Street
Newark, New Jersey 07102

Re:

F.H. and M.H. o/b/o J.H. v. West Morris Regional High School District Board of Education

OAL Dkt. No.: EDS 10706-2017 Agency Ref. No.: 2017-26311

Dear Judge Betancourt:

As the Court is aware, this firm represents Respondent West Morris Regional High School District Board of Education ("Board") in the above-referenced matter.

As a follow-up to the parties telephone conference before Your Honor on September 21, 2017, please be advised that the undersigned has received neither a release of records signed by Petitioners nor any documents related to J.H.'s enrollment and attendance at Purnell School. As discussed in the telephone conference, the Board is entitled to discovery in advance of responding to Petitioners' Motion for Summary Decision, especially where Petitioners are demanding the Board reimburse Petitioners for the cost of J.H.'s unilateral placement at Purnell School.

Additionally, as Your Honor may not yet be aware, on September 27, 2017, Petitioners filed a second petition for due process with the Office of Special Education Policy and Procedure (Agency Ref. No. 2018-26985). In the newly-filed petition, Petitioners seek, *inter alia*, that their Motion for Summary Decision apply to both due process actions, despite the fact that the second petition is based upon "new facts" and "new grounds."

In light of the foregoing, the Board requests a telephone conference with Your Honor to determine how the Court wishes to proceed in this matter.

955 State Route 34 Suite 200 Matawan, NJ 07747 Tel 732 583-7474 Fax 732 290-0753 169 Ramapo Valley Road Upper Level 105 Oakland, NJ 07436 Tel 973 845-6700 Fax 201 644-7601 Respectfully submitted,

Jodi S. Howlett

cc: Julie Warshaw, Esq., counsel for Petitioners (via e-mail and NJLS)



CLEARY GIACOBBE ALFIERI JACOBS LLC

Attorneys at Law
Lakeview Professional Building
5 Ravine Drive
P.O. Box 533
Matawan, New Jersey 07747
(732) 583-7474
Fax (732) 290-0753

Fax Cover Sheet

PERSONAL AND CONFIDENTIAL

To:

Honorable Thomas R. Betancourt, ALJ

Fax:

(973) 648-2358

From:

Jodi S. Howlett, Esq.

Date:

October 4, 2017

Re:

F.H. and M.H. o/b/o J.H. v. West Morris Regional High School, BOE

Agency Ref. No.: 2017-26311

Please call 732/583-7474 if you did not receive 3 pages including cover page

CLEARY GIACOBBE ALFIERI JACOBS LLC

JODI S. HOWLETT, Partner jhowlett@cgajlaw.com

Reply to: Matawan Office

October 6, 2017

Via Facsimile (973) 648-2358 and NJLS

Honorable Thomas Betancourt, ALJ Office of Administrative Law State of New Jersey 33 Washington Street Newark, New Jersey 07102

Re: F.H. and M.H. o/b/o J.H. v. West Morris Regional High School District Board of Education

OAL Dkt. No.: EDS 10706-2017 Agency Ref. No.: 2017-26311

Dear Judge Betancourt:

As the Court is aware, this firm represents Respondent West Morris Regional High School District Board of Education ("Board") in the above-referenced matter.

As a follow-up to the parties telephone conference before Your Honor on September 21, 2017, please be advised that the undersigned has received neither a release of records signed by Petitioners nor any documents related to J.H.'s enrollment and attendance at Purnell School. As discussed in the telephone conference, the Board is entitled to discovery in advance of responding to Petitioners' Motion for Summary Decision, especially where Petitioners are demanding the Board reimburse Petitioners for the cost of J.H.'s unilateral placement at Purnell School.

Additionally, as Your Honor may not yet be aware, on September 27, 2017, Petitioners filed a second petition for due process with the Office of Special Education Policy and Procedure (Agency Ref. No. 2018-26985). In the newly-filed petition, Petitioners seek, *inter alia*, that their Motion for Summary Decision apply to both due process actions, despite the fact that the second petition is based upon "new facts" and "new grounds."

In light of the foregoing, the Board requests a telephone conference with Your Honor to determine how the Court wishes to proceed in this matter.

955 State Route 34 Suite 200 Matawan, NJ 07747 Tel 732 583-7474 Fax 732 290-0753 169 Ramapo Valley Road Upper Level 105 Oakland, NJ 07436 Tel 973 845-6700 Fax 201 644-7601 Respectfully submitted,

18 fedishbrulett Jodi S. Howlett

cc: Julie Warshaw, Esq., counsel for Petitioners (via e-mail and NJLS)

WARSHAW LAW FIRM, LLC

266 King George Road, Suite C2
Warren, New Jersey 07059
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clientscryices@warshawlawfirm.com
www.warshawlawfirm.com

Licensed in New Jersey *
Licensed in New York ~
Licensed in Massachusetts ^
Licensed in Pennsylvania *

October 10, 2017

Via Facsimile at (973) 648-2358 Honorable Thomas Betancourt, A.L.J. Office of Administrative Law State of New Jersey 33 Washington Street, 7th Floor Newark, New Jersey 07102

Re: F.H. and M.H. o/b/o J.H. v. West Morris Regional High School District Board of

Education

Julic M.W. Warshaw, Esq. "~^

David B. Warshaw, Esq. *~^

Caryn Fitzgerald, Esq. *~

Of Counsel:

OAL Docket No.: EDS 10706-2017 Agency Ref. No.: 2017 26311

Dear Judge Betancourt:

This office represents the Petitioners in the above referenced matter. I am in receipt of Respondent's letter to the Court dated October 6, 2017.

During our telephone conversation with Your Honor on September 21, 2017, I mentioned that I had just received an hour before our conference call a letter from Respondent's counsel requesting releases and authorizations to observe my client at her new school. Respondent's counsel is now claiming that they are entitled to discovery in advance of responding to Petitioner's motion for summary decision. However, this claim is false. The issue in the case and the basis for Petitioner's motion for summary decision is that Respondent failed to provide an appropriate IEP and placement for J.H. forcing my clients to seek an appropriate unilateral placement for their daughter. The issue in this and all unilateral placement cases is whether or not the district provided an appropriate placement or not. The issue is not if the current placement is appropriate. If not, the parents were entitled to seek an appropriate placement and therefore would be entitled to reimbursement from the district. Whether or not the unilateral placement is appropriate is not relevant to the determination by this Court that the district failed to provide an appropriate placement in the least restrictive environment for J.H. prior to the unilateral placement being made. Therefore, Respondents cannot use the appropriateness of J.H.'s current program to negate their responsibilities under the IDEA.

Further, my clients, have been trying to resolve this matter but there has been no communication from Respondent's counsel until now. There was more than a month between August and September without any response from Respondent's counsel and no

communication since the September 21, 2017 conference call with Your Honor until their October 6, 2017 letter to the Court. In the interest of settlement, my clients are trying to get information about J.H. from the current school to provide to the district. However, Respondents have not sent any discovery requests to Petitioners. Thus, they cannot claim that their discovery has not been answered. Further, discovery regarding J.H.'s current placement is not relevant to the Respondent answering the claims set forth in Petitioners' motion for summary decision.

Petitioners have also filed a separate due process action covering new information, new events, and further violations by the district because Respondent's counsel would not consent to Petitioners filing an Amended Due Process to include the new violations and new information from two independent evaluators, whose reports support Petitioners' claims.

Petitioners respectfully request that this Court set a hearing date for the motion for summary decision to be heard. Petitioners' counsel will also gladly participate in a telephone conference with this Court.

Thank you for your time and attention to this matter.

Respectfully Submitted,

Julia Warshaw Fee

JW/ cc:

Jodi Howlett, Esq. (Via facsimile at 732-290-0753) F.H. and M.H. (Via Email)

Case 2:19-cv-14465-SDW-LDW Document 13-22 Filed 11/26/19 Page 42 of 44 PageID: 1511

CLEARY GIACOBBE ALFIERI JACOBS LLC

RECEIVED JODI S. HOWLETT, Partner jhowlett@cgajlaw.com

2017 AUG -9 P 4: 46

Reply to: Matawan Office

STATE OF NEW JERSEY OFFICE OF ADMN. LAW

August 7, 2017

Via Facsimile (732) 648-2358 and Overnight Delivery

Honorable Robert J. Giordano, ALJ
Office of Administrative Law
State of New Jersey
33 Washington Street
Newark, New Jersey 07102

EDS-10706-17

Re:

F.H. and M.H. o/b/o J.H. v. West Morris Regional High School Board of Education

Agency Ref. No.: 2017-26311

Dear Judge Giordano:

Please be advised that this firm represents Respondent West Morris Regional High School Board of Education ("Board") with respect to the above-referenced matter.

The Board respectfully request an adjournment of the initial conference scheduled in this matter for August 10, 2017 at 9:00 a.m. Specifically, due to the unavailability of a representative of the Board to appear at the scheduled date and time.

Petitioners' counsel, Julie Warshaw, Esq., has been notified of Respondent's adjournment request and has declined to consent The undersigned appreciates Your Honor's consideration of Respondent's request and would be happy to participate in a telephone conference, if necessary.

Very truly yours,

Jodi S. Howlett

cc: Julie Warshaw, Esq. - Petitioners' counsel (via e-mail and regular mail)

5 Ravine Drive PO Box 533 Matawan, NJ 07747 Tel 732 583-7474 Fax 732 290-0753

169 Ramapo Valley Road Upper Level 105 Oakland, NJ 07436 Tel 973 845-6700 Fax 201 644-7601

CLEARY GIACOBBE ALFIERI JACOBS LLC

JODI S. HOWLETT, Partner jhowlett@cgajlaw.com

Reply to: Matawan Office

August 7, 2017

Via Facsimile (732) 648-2358 and Overnight Delivery

Honorable Robert J. Giordano, ALJ
Office of Administrative Law
State of New Jersey
33 Washington Street
Newark, New Jersey 07102

EDS-10706-17

Re: F.H. and M.H. o/b/o J.H. v. West Morris Regional High School Board of Education Agency Ref. No.: 2017-26311

Dear Judge Giordano:

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Very truly yours,

cc:

Julie Warshaw, Esq. -- Petitioners' counsel (via e-mail and regular mail)

5 Ravine Drive PO Box 533 Matawan, NJ 07747 Tel 732 583-7474 Fax 732 290-0753 169 Ramapo Valley Road Upper Level 105 Oakland, NJ 07436 Tel 973 845-6700 Fax 201 644-7601



CLEARY GIACOBBE ALFIERI JACOBS LLC

Attorneys at Law
Lakeview Professional Building
5 Ravine Drive
P.O. Box 533
Matawan, New Jersey 07747
(732) 583-7474
Fax (732) 290-0753

Fax Cover Sheet

PERSONAL AND CONFIDENTIAL

To:

Honorable Robert J. Giordano, ALJ

Fax:

(973) 648-2358

From:

Jodi S. Howlett, Esq.

Date:

August 7, 2017

Re:

F.H. and M.H. o/b/o J.H. v. West Morris Regional High School Board of Education

Agency Ref. No.: 2017-26311

Please call 732/583-7474 if you did not receive 2 pages including cover page